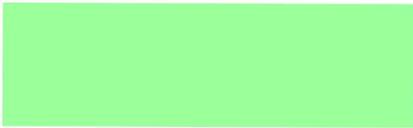




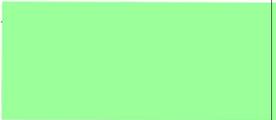
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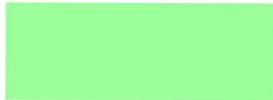


DATE: **JAN 17 2013**

Office: TEXAS SERVICE CENTER

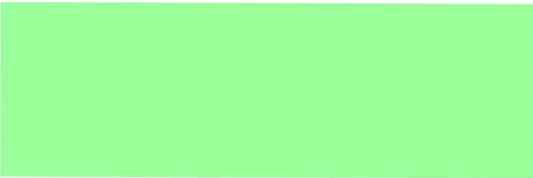
FILE: 

IN RE: Petitioner:
 Beneficiary:



PETITION: Immigrant Petition for Alien Worker as an Alien of Extraordinary Ability Pursuant to
 Section 203(b)(1)(A) of the Immigration and Nationality Act; 8 U.S.C. § 1153(b)(1)(A)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Texas Service Center, on July 6, 2012. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner seeks classification as an employment-based immigrant pursuant to section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A), as an alien of extraordinary ability as a fashion stylist. Congress set a very high benchmark for aliens of extraordinary ability by requiring through the statute that the petitioner demonstrate “sustained national or international acclaim” and present “extensive documentation” of his or her achievements. See section 203(b)(1)(A)(i) of the Act and 8 C.F.R. § 204.5(h)(3). The implementing regulation at 8 C.F.R. § 204.5(h)(3) states that an alien can establish sustained national or international acclaim through evidence of a one-time achievement, specifically a major, internationally recognized award. Absent the receipt of such an award, the regulation outlines ten categories of specific evidence. 8 C.F.R. §§ 204.5(h)(3)(i) through (x). The petitioner must submit qualifying evidence under at least three of the ten regulatory categories of evidence to establish the basic eligibility requirements.

In the director’s decision, the director thoroughly discussed the documentary evidence submitted by the petitioner. While the director determined that the petitioner met the published material criterion pursuant to the regulation at 8 C.F.R. § 204.5(h)(3)(iii), the director determined that the petitioner failed to establish eligibility for the awards criterion pursuant to the regulation at 8 C.F.R. § 204.5(h)(3)(i), the judging criterion pursuant to the regulation at 8 C.F.R. § 204.5(h)(3)(iv), the original contributions criterion pursuant to the regulation at 8 C.F.R. § 204.5(h)(3)(v), the artistic display criterion pursuant to the regulation at 8 C.F.R. § 204.5(h)(3)(vii), the leading or critical role criterion pursuant to the regulation at 8 C.F.R. § 204.5(h)(3)(viii), and the commercial success criterion pursuant to the regulation at 8 C.F.R. § 204.5(h)(3)(x). Further, the director found that the petitioner failed to submit any documentary evidence regarding the membership criterion pursuant to the regulation at 8 C.F.R. § 204.5(h)(3)(ii) and the high salary criterion pursuant to the regulation at 8 C.F.R. § 204.5(h)(3)(ix).

On Form I-290B, Notice of Appeal or Motion, counsel indicated in Part 2 that he was filing an appeal and his “brief and/or additional evidence will be submitted to the AAO within 30 days.” Counsel dated the appeal on August 7, 2012. As of this date, approximately five months later, the AAO has received nothing further. Accordingly, the record is considered complete as it now stands.

The sole basis for the appeal consists of counsel’s statement in part 3 of Form I-290B:

The decision of USCIS dated July 6, 2012 denying [the petitioner’s] Immigrant Petition for Alien Worker was arbitrary, capricious, an abuse of discretion and against the weight of the evidence.

The totality of the evidence documents the [petitioner’s] qualifications for the benefit sought.

Rather than challenging any of the director's specific findings, counsel generally alleges that the director made erroneous conclusions. The regulation at 8 C.F.R. § 103.3(a)(1)(v) provides that "[a]n officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal." In this case, counsel makes only general assertions without offering any substantive argument pointing to specific facts or analyses in contention.

As counsel has failed to provide any specific statement or argument regarding the basis of the appeal, the appeal must be summarily dismissed.

ORDER: The appeal is dismissed.